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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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10 SAMUEL GLEN SHAMBLIN,

CASE NO. CV F 05-0500 OWW LJO

11 Plaintiff,

**ORDER TO ADOPT FINDINGS AND
RECOMMENDATIONS TO DISMISS ACTION**

12 vs.

13 FRAN RALEY, et al.,

14 Defendants.
15 _____/

16 **BACKGROUND**

17 Plaintiff Samuel Glen Shamblin ("plaintiff") is a state prisoner and proceeds pro se in this
18 purported 42 U.S.C. § 1983 ("section 1983") action. Plaintiff proceeds on his section 1983 form
19 complaint ("complaint") to name as defendants several court reporters with the Fresno County Superior
20 Court (collectively "defendants"). The complaint alleges defendants altered court transcripts on January
21 25, 2000, January 26, 2001 and August 1, 2001. The complaint seeks a "full investigation."

22 The magistrate judge issued his August 31, 2006 order ("August 31 order") to dismiss the
23 complaint on grounds that it: (1) fails to satisfy pleading requirements and to allege a cognizable claim;
24 (2) is susceptible to limitations defenses; and (3) appears intended to vex defendants. The August 31
25 order granted plaintiff up to October 5, 2006 to file an amended complaint and admonished plaintiff that
26 **"failure to file an amended complaint in compliance with this order will result in a**
27 **recommendation to dismiss this action for failure to obey a court order."** (Bold in original.)
28 Plaintiff filed no timely amended complaint.

1 The magistrate judge issued his [October 12, 2006 findings and recommendations](#) to dismiss this
2 action without prejudice on grounds that plaintiff has failed to: (1) file a complaint to satisfy F.R.Civ.P.
3 8(a) and to state a cognizable claim which does not appear time-barred or intended to vex; and (2)
4 comply with a court order, to respond meaningfully and intelligently to the order, and to prosecute this
5 action. Plaintiff filed no timely objections to the findings and recommendations.

6 **CONCLUSION AND ORDER**

7 Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this case. After
8 evaluating the record, this Court finds the magistrate judge's October 12, 2006 findings and
9 recommendations are supported by the record and proper analysis.

10 Accordingly, this Court:

- 11 1. ADOPTS in full the magistrate judge's October 12, 2006 findings and recommendations;
- 12 2. DISMISSES this action without prejudice on grounds that plaintiff has failed to: (1) file
13 a complaint to satisfy F.R.Civ.P. 8(a) and to state a cognizable claim which does not
14 appear time-barred or intended to vex; and (2) comply with a court order, to respond
15 meaningfully and intelligently to the order, and to prosecute this action; and
- 16 3. DIRECTS this Court's clerk to close this action.

17 IT IS SO ORDERED.

18 **Dated: November 24, 2006**

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/s/ Oliver W. Wanger

UNITED STATES DISTRICT JUDGE